

REMARKS

Claims 3-16 and 18-25 are pending. Claim 17 has been cancelled without prejudice or disclaimer. Applicants thank the Examiner for withdrawing the objection to the specification and entering the Substitute Specification filed on February 6, 2003.

I. 35 USC § 102

Claims 3-6, 9-14 and 17-25 stand rejected under 35 USC § 102(e) as allegedly being anticipated by, or under 35 USC § 103(a) as allegedly being unpatentable over, Nelson (U.S. Patent No. 5,618,6020). In light of the above-amendments, reconsideration of the rejections is respectfully requested.

Specifically, Applicants note that claim 7 was not included in this rejection. Thus, as each of claims 3-6, 9-14 and 18 (claim 17 having been cancelled) now depends from claim 7, Applicants respectfully submit that this rejection is moot. In addition, independent claims 19 and 23 (and claims depending therefrom) have been amended to recite that the “guiding wedges are arranged perpendicular to the joint,” which feature is not shown in Nelson, and therefore, Nelson cannot anticipate under 35 USC § 102.

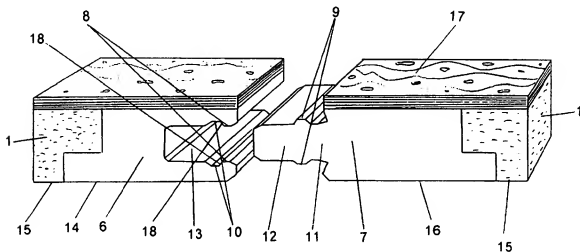
II. 35 USC § 103

Claims 7 and 15 stand rejected under 35 USC § 103(a) as allegedly being unpatentable over Nelson in view of Martensson.¹ The Office Action cites Martensson for its teaching of “guiding wedges 9 arranged perpendicular to the extension of the joint.”

¹

Although this Office Action does not specify which “Martensson” is being relied upon - e.g., WO96/27721 or U.S. Patent No. 6,101,778, it is Applicants’ understanding the Office Action relies upon WO96/27721. If, however, the Office Action is relying upon a different reference, the Examiner is invited to contact the undersigned at his earliest convenience such that Applicants may update and/or correct their response.

Applicants direct the Examiner's attention to Fig. 2 of Martensson, reproduced below:



Specifically, the Office Action refers to guiding wedges 9. However, guiding wedges 9 are arranged parallel to, not perpendicular to, as recited by claim 7, a joint formed between the boards. Thus, even if it were obvious to duplicate the guiding wedges of Martensson to strengthen the joint connection, there is neither an express teaching nor a suggestion to rotate the orientation of the guiding wedges ninety degrees, such that the guiding wedges extend in a direction perpendicular to the joint.

Additionally, Applicants respectfully present that the cited references, either alone or in combination, fail to teach and/or suggest the recited interaction of the tenon and groove. Specifically, as discussed throughout the specification and recited by the present claims, "fit" is used to convey the interaction between horizontal surfaces (as seen of a floor panel arranged flat on a subfloor) of the tongue and groove, respectively. As described in the present specification, in the prior art, glue arranged in the groove will have great difficulty being squeezed out when the tongue is inserted. The result is hydraulic pressure, pushing the panels away from each other. A narrow gap (fit) between the horizontal surfaces of the tongue and the groove will

create a high flow resistance, a problematic situation. A large gap (fit) will allow the glue to flow relatively easily, a desired situation. However, such a large gap will also produce what is known in the art as "proud edges," whereby one distal edge of the upper surface protrudes out of horizontal alignment with the remainder of the upper surface, resulting in an undesirable product.

Accordingly, according to the presently recited invention, providing a narrow fit at the last section of the tongue inserted into the groove, most of the glue will be allowed to flow relatively free before the cavity between the tongue and the groove becomes "locked" from communication of glue. As a result, the hydraulic pressure in the groove during assembly of the boards can be reduced. None of the cited references teach or suggest such a structural feature.


III. Conclusion

In view of the above, it is respectfully submitted that all objections and rejections are overcome. Thus, entry of the above amendments and passage of the application to allowance are respectfully requested. If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

TPP/EPR/mat
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